IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20674 of 1994

Between:

1 C.V. Lalitha Bai, C/o Smt. T. Rajamma,
R/o H.No.6-8-1000, N.G.O's Colony,
Tirupati, Chittoor Disrict
2 C.K. Seethamma, C/o C.K. Bhanumati,
R/o 298, Nadamuni St.,
Tirupati, Chittoor Dist.,
3 Smt. Poola Subbamma, W/o Sreenivasulu,
R/o Anjaneyapuram, Karkambadi (V),
Renigunta (M), Chittoor Dist.,
4 Amudala Venkataswamy, s/o Balaiah Chetty,
R/o Karkambadi (V) & Post,
Renigunta (M), Chittoor Dist.,
5 M. Munaswamy Chetty, S/o Muthjyalaiah,
R/o 18-1-346, Gandhinagar,
Tirupati, Chittoor Dist.,
6 Yeddela Sreenivasulu, S/o Chengaiah,
R/o Anjaneyapuram, Karkambadi (V),
Renigunta (M), Chittoor Dist.,
7 G. Chandrasekhara Raju, S/o Venkata Narasa Raju,
R/o Anjaneyapuram, Karkambadi (V),
Renigunta (M), Chittoor Dist.,
8 Smt. Cherkuri Kameswaramma, W/o Venkama Naidu,
R/o Karkambadi (V) & Post, Renigunta (M),
Chittoor Dist.,
9 Lekkala Narasaiah, S/o Pichaiah Naidu,
R/o Karkambadi (V) & Post, Renigunta (M),
Chittoor Dist.,
10 Ch. Chalamaiah, S/o Venkama Naidu,
R/o Karkambadi (V) & Post, Renigunta (M),
Chittoor Dist.,
11 A. Sreeramulu Naidu, S/o Nagama Naidu,
R/o Karkambadi (V) & Post, Renigunta (M),
Chittoor Dist.,
12 Smt. Gajjala Lakshmamma, W/o G. Muni Chandraiah,
R/o Aaanjaheyapuram, Karkambadi (V) & Post, Renigunta (M),

Chittoor Dist.,

..... PETITIONER(S)

AND

1 The State of A.P., Rep by Secretary to Government
Food & Agriculture (For I) Department, Secretariat,
Hyderabad.
2 The Secretary,
The Chittoor Dist Girijans, Harijans, Backward Communities and Landless Poormen Colonisation Society,
Pakala, Chittoor District
3 The District Collector
Chittoor.
4 The Joint Collector
Chittoor.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of writ of Mandamus, declaring the G.O.Ms.No.1571 Food & Agriculture (For I) Department, dt:7.11.72 issued by the 1st respondent, and the consequential show cause Notices dt:28-10-1994 vide Roc.No.B4/19571/94 issued by the 4th respondent, by prejudging the issue of cancellation of DKT pattas granted in fvour of the petitioners and resumption of the same as highly illegal, arbitrary, biased and unconstitutional, and without jurisdiction being in violation of Arts.14 21 & 300-A of the Constitution of India and also in violation of Board Standing order No.15(18) and also in violation of principles of natural justice, and consequently direct the respondents 1,3 & 4 not to further proceed with the matter in pursuance of the above said show cause Notices Dt:28-10-94 issued by the 4th respondent on the strength of an inapplicable G.O. above started.

Counsel for the Petitioner No.5: Sri P. Jagadish Chandra Prasad

Counsel for petitioners 1 to 4 and 6 to 12: None appeared

Counsel for the Respondents 1,3 and 4: G.P. Revenue

Counsel for Respondent No.2 : None appeared

The Court made the following :

ORAL ORDER:

In this writ petition the petitioners challenge the notice dated 28-10-1994 issued by the 4th respondent.

The case of the petitioners in brief is that they are landless poor persons and on their representations to the Government, they were assigned some lands in Karakambadi Village, Renigunta Mandal, Chittoor District and D.K.T. pattas were also granted in their favour and they have been in possession and enjoyment of the same. The only grievance of the petitioners is that the 4th respondent is trying to cancel the pattas alleging that on enquiry it is learnt that they are not entitled for grant of pattas and issued the impugned notice purporting to be implementing the orders of the Government in G.O.Ms.No.1571 dated 7-1-19972 wherein the Government directed to hand over Ac.500 of land in Sy.No.1 of Karkambadi Village to the District Collector for assignment of the same to Girijans, Harijans, Backward Communities and landless poor for cultivation, housing etc., leaving the remaining area under reserve for development of forests.

When the matter is posted 'for orders of the Court', the learned Government Pleader for Revenue submitted that this writ petition is filed only against the show cause notice issued by the 4th respondent, subsequently the petitioners have submitted their explanations to the said show cause notice and they are still pending consideration and no final order is passed so far, in view of the interim stay granted by this court by order dated 23-11-1994.

Heard the learned counsel appearing for petitioner No.5, Sri P.Jagadish Chandra Prasad.

Having regard to the facts and circumstances of the case, both the counsel agreed to

dispose of the writ petition with the following directions:

The respondents are directed to consider the representations filed by the petitioners before passing final orders in this matter. The petitioners at liberty to challenge the final orders, if they feel aggrieved by the said orders.

The writ petition is accordingly disposed of. No costs.

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9-11-2004

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To:

1. The Secretary to Government,
   Food & Agriculture (For I) Department, Government of A.P. Secretariat,
   Hyderabad.
2 The Secretary,
   The Chittoor Dist Girijans, Harijans, Backward Communities and Landless Poormen Colonisation Society,
   Pakala, Chittoor District
3 The District Collector
   Chittoor.
4 The Joint Collector
   Chittoor.

5. Two C.Cs. to the G.P. for Revenue, High Court of A.P, Hyderabad(OUT)

6. Two C.D. copies